

STUDENT DISCIPLINE
OUT-OF-SCHOOL SUSPENSION

FOB
(LEGAL)

**Suspension
Authorized**

The principal or other appropriate administrator may suspend a student who engages in conduct identified in the Student Code of Conduct as conduct for which a student may be suspended. *Education Code 37.005(a)*

Maximum Length

A suspension may not exceed three school days. *Education Code 37.005(b)*

[See FO for provisions regarding coursework to students in suspension.]

Students Below
Grade 3

A student who is enrolled in a grade level below grade 3 may not be placed in out-of-school suspension unless while on school property or while attending a school-sponsored or school-related activity on or off of school property, the student engages in:

1. Conduct that contains the elements of an offense related to weapons under Penal Code 46.02 or 46.05;
2. Conduct that contains the elements of a violent offense related under Penal Code 22.01, 22.011, 22.02, 22.021; or
3. Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of:
 - a. Marihuana or a controlled substance, as defined by Health and Safety Code Chapter 481, or by 21 U.S.C. Section 801 et seq.;
 - b. A dangerous drug, as defined by Health and Safety Code Chapter 483; or
 - c. An alcoholic beverage, as defined by Alcoholic Beverage Code 1.04.

Education Code 37.005(c)

Students Who Are
Homeless

A district may not place a student who is homeless in out-of-school suspension unless the student engages in conduct described at items 1–3, above, while on school property or while attending a school-sponsored or school-related activity on or off of school property. The campus behavior coordinator may coordinate with the district's homeless education liaison to identify appropriate alternatives to out-of-school suspension for a student who is homeless. In Education Code 37.005(d), "student who is homeless" has the meaning assigned to the term "homeless children and youths" under 42 U.S.C. Section 11434a. *Education Code 37.005(d)*

**Positive Behavior
Program**

A district may develop and implement a program, in consultation with campus behavior coordinators employed by the district [see FO] and representatives of a regional education service center,

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that provides a disciplinary alternative for a student enrolled in a grade level below grade 3 who engages in conduct described by Education Code 37.005(a) [at Suspension Authorized, above] and is not subject to 37.005(c) [at Students below Grade 3, above]. The program must:

1. Be age-appropriate and research-based;
2. Provide models for positive behavior;
3. Promote a positive school environment;
4. Provide alternative disciplinary courses of action that do not rely on the use of in-school suspension, out-of-school suspension, or placement in a disciplinary alternative education program to manage student behavior; and
5. Provide behavior management strategies including:
 - a. Positive behavioral intervention and support;
 - b. Trauma-informed practices;
 - c. Social and emotional learning;
 - d. A referral for services, as necessary; and
 - e. Restorative practices.

A district may annually conduct training for district staff on the program adopted.

Education Code 37.0013